

IFW

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Patent application  
of \_\_\_\_\_  
for \_\_\_\_\_ Inventor(s)  
Title of invention

**OR**

In re application of: Lyle V. Lehman, et al.

Application No.: 10 /634,254 Group Art Unit: 3672  
 Filed: 08/05/2003 Examiner:  
 For: Vibrating System and Method for Use in Scale Removal and Formation  
 Stimulation in Oil and Gas Recovery Operations  
**Commissioner for Patents**  
**P.O. Box 1450**  
**Alexandria, VA 22313-1450**

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**TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT  
 WITHIN THREE MONTHS OF FILING OR  
 BEFORE MAILING OF FIRST OFFICE ACTION (37 C.F.R. § 1.97(b))**

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**CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\***  
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\* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

**NOTE:** 37 C.F.R. 1.98(b):

- (1) Each U.S. patent listed in an information disclosure statement must be identified by inventor, patent number, and issue date.
- (2) Each U.S. patent application publication listed in an information disclosure statement shall be identified by applicant, patent application publication number, and publication date.
- (3) Each U.S. application listed in an information disclosure statement must be identified by the inventor, application number, and filing date.
- (4) Each foreign patent or published foreign patent application listed in an information disclosure statement must be identified by the country or patent office which issued the patent or published the application, an appropriate document number, and the publication date indicated on the patent or published application.
- (5) Each publication listed in an information disclosure statement must be identified by publisher, author (if any), title, relevant pages of the publication, date, and place of publication.

**WARNING:** No extension of time can be had under 37 C.F.R. § 1.136 (a) or (b) for filing an IDS. 37 C.F.R. § 1.97(f).

**NOTE:** The "filing date of a national application" under 37 C.F.R. § 1.97(b) has two possible meanings. Where the filing is a direct one to the United States Patent & Trademark Office, the filing is defined in 37 C.F.R. § 1.53(b) as "the date on which: (1) A specification containing a description pursuant to § 1.71 and at least one claim pursuant to § 1.75; and (2) any drawing required by § 1.81(a), are filed in the Patent and Trademark Office in the name of the actual inventor or inventors as required by § 1.41." 37 C.F.R. § 1.97(b)(1). On the other hand, an international application that enters the national stage occurs when the applicant has filed the documents and fees required by 35 U.S.C. § 371(c) within the periods set forth in § 1.494 or § 1.495. 35 U.S.C. § 371(c) requires the filing of the following: (1) the basic national fee; (2) a copy of the international application, unless already sent by the International Bureau, and optionally an English translation if filed in another language; and, also optionally (3) amendments under PCT Article 19, with a translation into English if made in another language; (4) an oath or declaration; and (5) a translation into English of any annexes to the international preliminary examination report, if such annexes were made in another language. The optional items must be submitted later, with surcharges. 37 C.F.R. § 1.97(b)(2).

### **IDENTIFICATION OF TIME OF FILING THE ACCOMPANYING INFORMATION DISCLOSURE STATEMENT**

The information disclosure statement submitted herewith is being filed within three months of the filing date of the application or date of entry into the national stage of an international application or before the mailing date of a first Office action on the merits, whichever event occurs last. 37 C.F.R. § 1.97(b).

**NOTE:** "No certification or fee is due when the filing is made within the above time period. It is advisable to ensure that no Office action has been mailed if the disclosure statement is delayed until after three months from filing."

**NOTE:** "An information disclosure statement will be considered to have been filed on the day it was received in the Office, or on an earlier date of a mailing if accompanied by a properly executed certificate of mailing under 37 C.F.R. 1.8, or Express Mail certificate under 37 C.F.R. 1.10. An Office action is mailed on the date indicated in the Office action." Notice of April 20, 1992 (1138 O.G. 37-41, 39). See also § 609, M.P.E.P., 8th Edition.

**NOTE:** "The term 'national application' includes continuing applications (continuations, divisions, continuations-in-part) so three-months will be measured from the actual filing date of an application as opposed [sic] to the effective date of a continuing application." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

**NOTE:** "An action on the merits means an action which treats the patentability of the claims in an application, as opposed to only formal or procedural requirements. An action on the merits would, for example, contain a rejection or indication of allowability of a claim or claims rather than just a restriction requirements (37 C.F.R. 1.142) or just a requirement for additional fees to have a claim considered (37 C.F.R. 1.16(d)). Thus, if an application was filed on Jan. 1 and the first Office action on the merits was not mailed until six months later on July 1, the examiner would be required to consider any proper information disclosure statement filed prior to July 1." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

**WARNING:** "A petition for suspension of action to allow applicant time to submit an information disclosure statement will be denied as failing to present good and sufficient reasons, since 37 C.F.R. § 1.97 provides adequate recourse for the timely submission of prior art for consideration by the examiner." Notice of July 6, 1992 (1141 O.G. 63). But see § 103(b) and (c), limited suspension of action in a continued prosecution application (CPA) filed under § 1.53(d) and in a request for continued examination (RCE) under § 1.114.

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(Transmittal of Information Disclosure Statement Within Three Months of Filing or Before Mailing of First Office Action [8-3]—page 3 of 3)



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Lyle V. Lehman, et al. )  
Serial No.: 10/634,254 ) Art Unit: 3672  
Filed: 08/05/2003 ) Examiner: Unknown  
For: Vibrating System and Method )  
For Use in Scale Removal )  
And Formation Stimulation )  
In Oil and Gas Recovery )  
Operations )

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

COMMISSIONER FOR PATENTS  
Alexandria, VA 22313-1450

SIR:

The following documents are known to Applicant or Applicant's attorneys and are submitted for the Examiner to consider in the above-captioned application.

**U. S. PATENTS**

U.S. Patent Number 4,537,256 issued 08/27/1985 to Franklin Beard;

U.S. Patent Number 5,595,243 issued 01/21/1997 to Voldi E. Maki, Jr., et al.;

U.S. Patent Number 5,836,389 issued 11/17/1998 to Dennis Wagner, et al.;

U.S. Patent Number 6,012,521 issued 01/11/2000 to Gary D. Zunkel, et al.;

U.S. Patent Number 6,220,371 B1 issued 04/24/2001 to Mukul M. Sharma, et al.;

U.S. Patent Number 6,619,394 B2 issued 09/16/2003 to Mohamed Y. Soliman, et al.;

U.S. Patent Number 6,390,191 B1 issued 05/21/2002 to Arthur F. Melson, et al.; and  
U.S. Patent Number 6,705,396 B1 issued 03/16/2004 to Vladimir Ivanovich Ivannikov, et  
al.

#### **NON-PATENT REFERENCES**

Article entitled "Ultrasonic Reduction of Wellbore Deposits and Formation Damage," Ultrasonics, dated February 6, 1998, pages 1-5, <http://www.ees4.lanl.gov/ultrasonics/>.

Article entitled "Field Testing Considerations for Ultrasonic Cleaning Tool," Ultrasonics, page 1-2, [http://www.ees4.lanl.gov/ultrasonics/Test\\_Criteria.HTML](http://www.ees4.lanl.gov/ultrasonics/Test_Criteria.HTML).

Brochure entitled "The Tool," Ultrasonics, <http://www.ees4.lanl.gov/ultrasonics/TOOLSPECS.JPG>.

SPE Paper 86492 entitled "Radial Near Wellbore Stimulation by Acoustic Waves," by Fred van der Bas, et al., dated February 2004.

SPE Paper 82197 entitled "The Application of High Power Sound Waves for Wellbore Cleaning," by Brian Champion, et al., dated May, 2003.

SPE Paper 82198 entitled "Near Wellbore Stimulation by Acoustic Waves", by Sau-Wai Wong et al., dated May 2003.

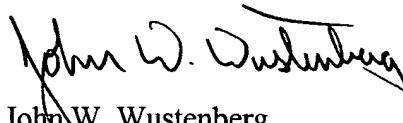
SPE Paper 84118 entitled "High Power/High Frequency Acoustic Stimulation – A Novel and Effective Wellbore Stimulation Technology," by Sau-Wai Wong et al., dated October 2003.

SPE Paper 27388 entitled "Ultrasonic Removal of Near-Wellbore Damage Caused By Fines and Mud Solids", by Adinathan Venkitaraman et al., dated February 1994.

SPE Paper 31129 entitled "Ultrasonic Removal of Organic Deposits and Polymer-Induced Formation Damage", by P.M. Roberts et al., dated March 2000.

Copies of the aforementioned non-patent references and Form PTO-1449 are submitted herewith.

Respectfully submitted,



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PTO-1449  Information Disclosure Citation in an Application	Application No. 10/634,254	Applicant(s): Lyle V. Lehman, et al.	
	Docket Number 2000-IP-001210U1	Group Art Unit 3672	Filing Date 08/05/2003

## U.S. PATENT DOCUMENTS

	DOCUMENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE
1	4,537,256	08/27/1985	Beard	166	299	06/13/1983
2	5,595,243	01/21/1997	Maki, et al.	166	177.2	10/10/1995
3	5,836,389	11/17/1998	Wagner, et al.	166	249	12/09/1996
4	6,012,521	01/11/2000	Zunkel, et al.	166	249	02/09/1998
5	6,220,371	04/24/2001	Sharma, et al.	175	50	08/26/1999
6	6,619,394	09/16/2003	Soliman, et al.	166	249	12/07/2000
7	6,390,191	05/21/2002	Melson et al.	166	177.1	07/14/2000
8	6,705,396	03/16/2004	Ivanikov et al.	166	249	10/02/2000

## FOREIGN PATENT DOCUMENTS

	DOCUMENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO

## NON-PATENT DOCUMENTS

	DOCUMENT (Including Author, Title, Source, and Pertinent Pages)	DATE
9	Article entitled "Ultrasonic Reduction of Wellbore Deposits and Formation Damage," Ultrasonics, pages 1-5, <a href="http://www.ees4.lan1.gov/ultrasonics/">http://www.ees4.lan1.gov/ultrasonics/</a>	02/6/1998
10	Article entitled "Field Testing Considerations for Ultrasonic Cleaning Tool," Ultrasonics, page 1-2, <a href="http://www.ees4.lan1.gov/ultrasonics/TestCriteria.HTML">http://www.ees4.lan1.gov/ultrasonics/TestCriteria.HTML</a>	09/08/2003
11	Brochure entitled "The Tool," Ultrasonics, <a href="http://www.ees4.lan1.gov/ultrasonics/TOOLSPECS.JPG">http://www.ees4.lan1.gov/ultrasonics/TOOLSPECS.JPG</a> .	09/05/2003
12	Fred van der Bas, et al., "Radial Near Wellbore Stimulation by Acoustic Waves," SPE 86492, at 1-7.	2004
13	Brian Champion, et al., "The Application of High Power Sound Waves for Wellbore Cleaning," SPE 82197, at 1-10.	2003
14	Sau-Wai Wong, et al., "Near Wellbore Stimulation by Acoustic Waves," SPE 82198, at 1-6.	2003
15	Sau-Wai Wong, et al., "High Power/High Frequency Acoustic Stimulation - A Novel and Effective Wellbore Stimulation Technology," SPE 84118, at 1-7.	2003
16	Adinathan Venkitaraman, et al. "Ultrasonic Removal of Near-Wellbore Damage Caused by Fines and Mud Solids," SPE 27388, at 441-449.	1994
17	Peter M. Roberts, et al., "Ultrasonic Removal of Organic Deposits and Polymer Induced Formation Damage," SPE 31129, at 571-578.	02/14-15/1996

EXAMINER	DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.